

HRREA10000482020



Presented on : 07-01-2020

Registered on : 07-01-2020

Decided on : **15-07-2026**

Duration : 6 years, 6 months, 8 days

IN THE COURT OF

SUB DIVISIONAL JUDICIAL MAGISTRATE

AT Kosli,Rewari

(Presided Over by Sh. Ashok Kumar)

CHI/23/2020

State

versus

1. Satbir son of Chander Singh

2. Santosh @ Satwanti son of Satbir

3. Suresh Kumar son of Satyabir,
residents of village Dadoli,
P. S. Jatusana, District Rewari.

FIR No. 144 dated 09.10.2019

Under Sections: 323, 325 & 34 IPC

Police Station: Jatusana.

Present when argued:

Sh. Ashish Tehlan, Ld. APP for the State.

Accused Satbir, Santosh and Suresh on bail with

Sh. Devender Singh, Advocate.

JUDGMENT

The accused above named have been sent by the SHO of Police Station, Jatusana to face trial for committing offence punishable under Sections 323 and 325 read with Section 34 of the Indian Penal Code, 1860 (**here-in-after, the Code, 1860**).

2. Shorn to unnecessary details, brief facts material for adjudication of the case are that the complainant namely Sh. Kuldeep moved a complaint to the SHO of Police station, Jatusana alleging

therein that his paternal uncle, Satbir Singh, had been given in adoption during his childhood to a family residing in village Baldhan, Kosli. So, after adoption, his father Dayaram and his paternal uncles, namely Sube Singh, Abhay Singh and Om Prakash, continued to remain owners of the ancestral property situated in Village Dadouli. It is alleged that Satbir Singh had already sold and consumed the proceeds of property situated at Village Baldhan. Thereafter, he started claiming an unjustified share in the ancestral land and property situated at Village Dadouli.

3. It is further alleged that Satbir Singh used to quarrel with and harass his father and uncles on a daily basis despite repeated efforts to persuade him to desist from such conduct. It was also alleged that Satbir Singh and his sons, namely Umang and Suresh, frequently indulged in quarrels, were engaged in illegal activities including the sale of illicit liquor, and that several criminal cases were already pending against them.

4. On 12.07.2019, Satbir Singh, his wife Santosh, his son Suresh and other associates attempted to take forcible possession of a plot situated near the applicant's residential house. When applicant's father Dayaram and his paternal uncles Sube Singh, Abhay Singh and Om Prakash objected to the said act, all four of them were allegedly assaulted and sustained injuries. The applicant further alleged that when he attempted to shift injured persons for medical treatment, Satbir Singh,

Suresh, Santosh and the other assailants also attacked him. During the assault, a stick blow struck directly on the palm of his right hand, causing injury and he was also subjected to kicks and fist blows by all the assailants. It is alleged that after managing to escape from the spot with great difficulty, he shifted the injured persons to Civil Hospital, Rewari, where they all received medical treatment. Thereafter, they were also treated at Captain Nand Lal Hospital, Rewari. His X-ray examination of right hand was conducted. The attending doctor subsequently informed him that injury suffered on the palm of his right hand during the occurrence had resulted in a fracture. Lastly, it is prayed to take necessary legal action against unknown accused.

5. On this, formal FIR was registered and investigation was conducted. Accused was arrested. After completion of investigation, challan under Sections 323 & 325 read with Section 34 of the Code, 1860 against accused **Satbir** son of Chander Singh, **Santosh @ Satwanti** son of Satbir and **Suresh Kumar** son of Satyabir was filed in the court.

6. Copy of challan was supplied to accused free of cost as mandated under Section 207 of the Cr. P. C.

7. Finding prima-facie case against the accused being made out and the accused was charge sheeted under Sections 323 & 325 read with Section 34 of the Indian Penal Code, 1860 vide order dated 22.10.2021 passed by the then learned SDJM, Kosli. The charge was read and

explained to accused to which he pleaded not guilty and claimed trial.

8. In order to prove its case, prosecution has examined ten witnesses namely injured-cum-complainant PW1 Kuldeep, PW2 Dayaram, PW3 Om Parkash, PW4 Sube Singh, PW5 Abhey Singh, PW6 Dr. Ravinder, PW7 Dr. Sahil, PW8 SHO Pawan, PW9 ASI Lal Chand and PW10 HC Poonam.

9. Learned APP for the State closed prosecution evidence vide separately recorded statement dated 15.10.2026 after tendering document Ex. PA of ASI Birender.

10. Statement of accused under section 313 Cr.P.C. was recorded wherein all the incriminating evidence against accused was put to him.

11. Accused did not lead any defence evidence. So, defence evidence is closed by court order dated 15.07.2026

12. I have heard learned APP for the State and learned defence counsel. Learned APP for the State argued, inter-alia, that prosecution examined two witness who have fully proved the case of prosecution beyond shadow of reasonable doubts as complainant namely PW1 Kuldeep, PW2 Dayaram and PW3 Om Prakash turned hostile whereas PW4 Subhash Singh and PW5 Abhay Singh have deposed in favour of prosecution. It is submitted that PW6 Dr. Ravinder proved MLR. Ex. PW6/A to Ex. PW6/D, X-ray film Ex. PW6/E with X-ray report Ex.

PW6/F whereas PW7 Dr. Sahil proved medical record Ex. PW7/A to Ex. PW7/E. He argued that PW8 SHO Pawan filed challan after completion of investigation. He further argued that PW9 ASI Lalchand proved endorsement Ex. PW9/A with site plan Ex. PW9/B whereas PW10 HC Poonam proved arrest memo Ex. PW10/A to Ex. PW10/C with recovery memo Ex. PW10/D of wooden stick Ex. MO1. Lastly, he prayed for conviction of accused.

13. Per contra, learned defence counsel vehemently controverted the argument advanced by learned APP by submitting, inter-alia, that testimony of examined witnesses is not sufficient to prove false allegations leveled against accused beyond shadow of reasonable doubts as complainant PW1 Kuldeep, PW2 Dayaram and PW3 Om Prakash turned hostile whereas PW4 Subhash Singh and PW5 Abhay Singh have deposed in favour of prosecution. Lastly, he prayed for acquittal of the accused after giving him benefit of doubts.

14. I have considered the arguments advanced by learned APP for the State and learned defence counsel beside going through the case file very carefully and minutely. The prosecution has examined ten witnesses but their testimony is highly insufficient to prove allegations levelled against accused as complainant PW1 Kuldeep, PW2 Dayaram and PW3 Om Prakash turned hostile whereas PW4 Subhash Singh and PW5 Abhay Singh have deposed in favour of prosecution. They did not support prosecution version despite exhaustively cross-examined by learned APP

for the State at length but nothing contradictory could have been extracted from their mouth. Hence, their testimony is not sufficient to establish identification of accused.

15. Before parting with judgment, it is apposite to mention that The testimony of remaining formal witnesses is not sufficient to connect accused with alleged offence. The prosecution is, in fact, relying upon very weak piece of evidence which could not be made basis for holding accused guilty for offence alleged. Sequally, the prosecution has miserably failed to prove the guilt of accused by leading cogent and reliable evidence. Accordingly, accused **Satbir** son of Chander Singh, **Santosh @ Satwanti** son of Satbir and **Suresh Kumar** son of Satyabir are hereby **acquitted** of the charges levelled against them by giving them benefit of doubts. Case property, if any, be dealt with, in accordance with law. Bail bonds and surety bonds furnished stand extended for a further period of six months, and in case no appeal is preferred after lapse of six months, same stand discharged. File be consigned to record room after due compliance.

Pronounced in open Court.

(Ashok Kumar-IV)

Dated: 15.07.2026

Sub Divisional Judicial Magistrate, Kosli,

UID No. HR0392

Note: All the six pages of this judgment have been duly checked and signed by me.

Wazir, Stenographer Gr.-II

(Ashok Kumar-IV)

SDJM, Kosli,

UID No. HR0392